

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE PCT 05 MAR 2003

In re Patent Application of

Atty Dkt. 249-243

C# M#

SHITARA, K. et al.

Group Art Unit: Unassigned

Serial No. 10/009,723

Examiner: Unassigned

Filed: December 17, 2001

Date: March 5, 2003

Title: DIAGNOSTIC AGENT AND THERAPEUTIC AGENT FOR DISEASE RELATED TO  
MONOCYTE AND MACROPHAGE

Assistant Commissioner for Patents

Washington, DC 20231

BOX PCT

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

 Correspondence Address Indication Form Attached.**Fees are attached as calculated below:**

Total effective claims after amendment previously paid for	0 20	minus highest number (at least 20) =	0 0	x x	\$ 18.00 \$ 84.00	\$ 0.00
Independent claims after amendment previously paid for	0 3	minus highest number (at least 3) =	0 0	x x	\$ 18.00 \$ 84.00	\$ 0.00
If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)						\$ 0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months)						\$ 0.00
Terminal disclaimer enclosed, add \$ 110.00						\$ 0.00
<input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00)						\$ 0.00
<input type="checkbox"/> Please enter the previously unentered , filed						
<input type="checkbox"/> Submission attached						
					<b>Subtotal</b>	\$ 0.00
If "small entity," then enter half (1/2) of subtotal and subtract <input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith					-\$	0.00
Rule 56 Information Disclosure Statement Filing Fee (\$180.00)					\$	0.00
Assignment Recording Fee (\$40.00)					\$	0.00
Other: Response; Copy of Letter 2/20/03; Copy of Notification of Defective Response (8/28/02); Copy of Response (9/12/02); Copy of OIPE Date-stamped Post Card Receipt; Copy of Post Card Receipt (4/12/02); Copy of Notification of Missing Requirements (2/12/02); Copies of Cover Sheet; Amendment; Statement; Sequence Listing (4/12/02)						\$ 0.00
					<b>TOTAL FEE ENCLOSED</b>	\$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
BJS:plb

NIXON & VANDERHYE P.C.  
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 

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previously paid for	20	(at least 20) =	0	x \$ 18.00
				\$ 0.00

Independent claims after amendment	0	minus highest number		
previously paid for	3	(at least 3) =	0	x \$ 84.00
				\$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper)		\$	0.00
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Terminal disclaimer enclosed, add \$ 110.00		\$	0.00
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<input type="checkbox"/> Submission attached			

<b>Subtotal</b>	\$	0.00
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If "small entity," then enter half (1/2) of subtotal and subtract		-\$	0.00
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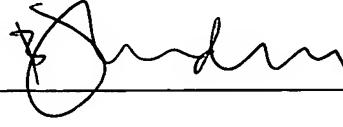
Other: Response; Copy of Letter 2/20/03; Copy of Notification of Defective Response (8/28/02); Copy of Response (9/12/02); Copy of OIPE Date-stamped Post Card Receipt; Copy of Post Card Receipt (4/12/02); Copy of Notification of Missing Requirements (2/12/02); Copies of Cover Sheet; Amendment; Statement; Sequence Listing (4/12/02)		\$	0.00
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<b>TOTAL FEE ENCLOSED</b>	\$	0.00
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Arlington, Virginia 22201-4714  
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NIXON & VANDERHYE P.C.  
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 

Please type a plus sign (+) inside this box → 

PTO/SB/121 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# CORRESPONDENCE ADDRESS INDICATION FORM

**Address to:**

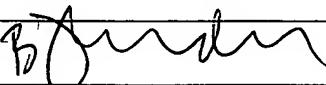
Assistant Commissioner for Patents  
Box CN  
Washington, DC 20231

Direct all correspondence to:

 **Customer Number:** **23117**

 Place Customer  
Number Bar  
Label Here →
**OR***Type Customer Number here*
 Request for Customer Number (PTO/SB/125) submitted herewith.
**in the following listed application(s) or patent(s):**

Patent Number (if appropriate)	Application Number	Patent Date (if appropriate)	U.S. Filing Date
	10/009,723		December 17, 2001

Typed or Printed Name	B. J. Sadoff	(check one)
Signature		<input type="checkbox"/> Applicant or Patentee <input type="checkbox"/> Assignee of record of the entire interest. Statement under 37 C.F.R. § 3.73(b) is enclosed. (Form PTO/SB/96)
Date	March 5, 2003	
Address of signer:	1100 North Glebe Road, 8 <sup>th</sup> Floor Arlington, VA 22202	<input checked="" type="checkbox"/> Attorney or Agent of record  <b>36,663</b> <hr/> (Reg. No.)

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

 \*Total of  forms are submitted.

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Assistant Commissioner of Patents, Box CN, Washington, DC 20231.

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For: DIAGNOSTIC AGENT AND THERAPEUTIC AGENT FOR DISEASE RELATED  
TO MONOCYTE AND MACROPHAGE

\* \* \* \* \*

March 5, 2003

Assistant Commissioner for Patents  
Washington, DC 20231

**BOX PCT**

Sir:

**RESPONSE**

Responsive to the Letter dated February 20, 2003 (copy attached), notifying the undersigned that the above-identified application has become abandoned for allegedly failing to respond to the Notification of Defective Response dated August 28, 2002, the undersigned attaches a copy of the applicants Response dated September 12, 2002 to the Notification of Defective Response dated August 28, 2002. Also attached is a copy of the undersigned's OIPE date-stamped acknowledgement of receipt of the indicated items, including the Response filed September 12, 2002, a copy of the Notification of Defective Response dated August 28, 2002, a copy of the applicants postcard receipt from April 12, 2002, a copy of the Notification of Missing Requirements dated February 12, 2002, a

copy of the cover sheet, Amendment, Statement and Sequence Listing filed April 12, 2002. Further copies of all of these items are attached.

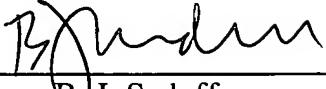
Withdrawal of the abandonment of the above-identified application is requested as the applicants timely responded to the Notification of Defective Response mailed August 28, 2002.

Upon receipt of the attached Letter dated February 20, 2003, the undersigned telephoned Mr. Jeremy Fleming, paralegal specialist, PCT Legal Office, to investigate what may be required in response to the Letter to have the abandonment withdrawn. The undersigned has left Mr. Fleming a message and, to date, has not received a response. The Office is requested to advise the undersigned, preferably by telephone, with what further may be required to have the Patent Office records corrected with the abandonment of the above-identified application, and to comply with any further indicated requirements.

The undersigned notes, for completeness, that the attached Notification indicates a Sequence Listing is required to fulfill the requirements of 35 U.S.C. §371 and yet the undersigned finds no such requirement under the same. The Office is requested to specifically indicate where 35 U.S.C. §371 requires submission of a Sequence Listing.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: 

B.J. Sadoff

Reg. No. 36,663

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